

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/770,433

First named inventor: Adam Leslie Clark

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Examiner: Tsung Yin Tsai

Art Group: 2624

Confirmation No.: 3363

Attorney Docket No.: 40006997-0005-0002

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. The review is requested for the reason stated on the attached sheets.

This request is being filed with a notice of appeal.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,
SONNENSCHN NATH & ROSENTHAL LLP

Dated: May 1, 2008

/Tarek N. Fahmi/

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STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

1. STATUS OF CLAIMS

Claims 4 and 16 have been cancelled and claims 1-3, 5-15, and 17-23 are pending and were rejected in the Final Office Action of February 1, 2008. The rejection of claims 1-3, 5-15, and 17-23 is being appealed.

2. GROUNDS OF REJECTIONS TO BE REVIEWED

Claims 1, 14, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,764,804, (hereinafter "Yajima") in view of US 5,974,172 (hereinafter "Chen"). Claims 2-3, 5, 8, 10-11, 15, and 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima and Chen in view of US 4,730,214 (hereinafter "Lambert"). Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Chen and US 6,662,309 (hereinafter "Ando"). Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima, Chen, Lambert, and Ando. Claims 20 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Chen, Lambert, and Ando. Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Chen, Lambert, and U.S. Patent Publication No. 2003/0084462 A1 (hereinafter "Kubota"). Claims 6 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Chen and US 5,083,195 (hereinafter "Evelin"). Claims 7 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Chen, Evelin, and US 6,118,823 (hereinafter "Carr").

3. ARGUMENT

The Examiner fails to provide sufficient grounds to support an obviousness rejection under 35 U.S.C. 103(a). Therefore, the present claims are patentable over the combination of Yajima, Chen, Lambert, Ando, Kubota, Evelin, and Carr for at least the reasons set out below.

As asserted in the Amendment dated January 4, 2008, Yajima fails to teach or suggest using reference pixel value sets that correspond to "those pixels having most significant color component intensity values for pixels within a video frame from which the encoded video data tables were produced" as recited in the present claims.

The Examiner admits that Yajima fails to teach "where most significant color component intensity values for pixel within a video frame" (Final Office Action, page 3.) and asserts that Chen overcomes this deficiency. However, not only does Chen fail to mention reference pixel value sets, Chen also fails to mention reference pixel value sets that correspond to "those pixels having most significant color component intensity values for pixels within a video frame from which the encoded video data tables were produced" as recited in the present claims.

Instead, Chen is directed to a method for "compressing image data without segmenting the image data into scanned and non-scanned components." *Chen* at Abstract. Chen teaches a method for compressing a data image including "classifying each partitioned block on whether

the partitioned block is determined to be color variant or determined to be color invariant.” *Id.* at col. 5 lines 7-10. Thus, Chen teaches classifying partitioned blocks based on whether they are color variant or invariant. Such a classification is made without regard to color component intensity values. Therefore, even if the partitioned block of Chen is analagous to a reference pixel value set, which the Applicant does not admit, the disclosure of Chen still fails to teach reference pixel value sets that correspond to “those pixels having most significant color component intensity values for pixels within a video frame from which the encoded video data tables were produced” as recited in the present claims.

For at least these reasons then, the conclusions of obviousness set forth in the Final Office Action are flawed and the present claims should be deemed patentable over the combination of Yajima, Chen, Lambert, Ando, Kubota, Evelin, and Carr.

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